

Appl. No : **10/614,418**
Filed : **July 3, 2003**

REMARKS

With this Amendment, Claims 6-40 are pending in the present application, Claims 32-35 are amended, and Claims 1-5 are canceled without prejudice. Applicants reserve the right to pursue the subject matter of the canceled claims in subsequent continuing applications.

Information Disclosure Statements

Applicants note that a first Information Disclosure Statement (IDS) listing 15 references was filed on July 3, 2003 along with the present application. However, two additional IDSs were also filed on October 17, 2003 and May 12, 2004. However, to date, only the July 3, 2003 IDS has been signed and returned by the Examiner. Applicants respectfully request consideration of the references listed in the remaining Information Disclosure Statements, including the IDS filed herewith.

Allowable Subject Matter

Applicants note with appreciation the Examiner's indication that Claims 7, 11, and 13-16 would be allowable if rewritten in independent form. Claims 7, 13 and 15 have been rewritten as new independent Claims 20, 25 and 31 respectively, and new dependent Claims 21-24, 26-30 and 32-35 have been added to more completely define the invention. Thus, Applicants submit that Claims 20-35 are in condition for allowance.

Rejections over Farooq et al.

Claims 12, 13, 15, 17, 25, 27, 29 and 31 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,339,527 to Farooq et al. However, Applicants respectfully note that Farooq does not qualify as prior art to the present application under any subsection of 35 U.S.C. § 102. The present application is entitled to an earlier filing date of August 25, 1999 under 37 C.F.R. §120. As indicated in paragraph [0002] of the specification of the above-identified application, The above-identified application is a continuation of U.S. Patent Application Serial No. No. 09/971,945, filed on October 4, 2001, now U.S. Patent No. 6,660,535 which is a continuation of Application Serial No. 09/382,753, filed August 25, 1999 which is now U.S. Patent No. 6,319,764. However, U.S. Patent No. 6,339,527 to Farooq et al. is based on U.S. Patent Application Serial No. 09/470,456, which was filed on December 22, 1999, which is about four months *after* the effective filing date of the present application.

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Therefore, since Farooq is not prior art to the present application, it cannot be used to sustain an anticipation rejection of any claims in the present application. Moreover, Applicants respectfully disagree with the Examiner's characterization of Farooq et al. as teaching subject matter recited in Claims 12, 13, 15, 17, 25, 27, 29 and 31 of the present application. Thus, Applicants respectfully request that the rejections be withdrawn.

Additionally, the remainder of the claims in the present application were rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of references, all of which include Farooq et al. as the primary reference. However, since Farooq et al. is not prior art to the present application, as discussed above, these obviousness rejections are deficient because the remaining references supporting the obviousness rejections (i.e. Baum et al., Azuma and Fujii et al.) do not anticipate or render obvious the rejected claims. Thus, Applicants respectfully request that these rejections be withdrawn as well.

CONCLUSION

The undersigned has made a good faith effort to respond to all of the rejections and objections in the present application and to place the claims into condition for allowance. Nevertheless, if any issues remain which can be resolved by telephone, the Examiner is respectfully requested to call Applicant's representative at the number indicated below in order to resolve such issues promptly.

Respectfully submitted,

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